

**STATE OF CONNECTICUT**  
**DEPARTMENT OF PUBLIC HEALTH**  
*Office of Health Care Access*

February 16, 2010

**IN THE MATTER OF:**

A Request for Waiver of Certificate of Need Requirements for Replacement Equipment filed pursuant to Section 19a-639c, C.G.S., as amended by P.A. 09-232, Section 96 by

Notice of Final Decision  
Office of Health Care Access  
Docket Number: 10-31539-WVR

**Radiology Associates of Hartford, P.C.**

**Request to Waive CON Requirements for the Replacement of an Existing 6-Slice CT Scanner with a 16-Slice CT Scanner in Avon**

To: Michael Twohig, M.D.  
President  
Radiology Associates of Hartford, P.C.  
1000 Asylum Avenue  
Suite 3201E  
Hartford, CT 06105

Dear Dr. Twohig:

This letter will serve as notice of the Final Decision of the Office of Health Care Access in the above matter as provided by Section 19a-639c, C.G.S., as amended by P.A. 09-232, Section 96. On February 16, 2010, the Final Decision was rendered as the finding and order of the Office of Health Care Access. A copy of the Final Decision is attached hereto for your information.

By Order of the Division of  
Office of Health Care Access  
Department of Public Health



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Cristine A. Vogel  
Deputy Commissioner

CAV: jah



**Department of Public Health  
Office of Health Care Access  
Certificate of Need Application**

**Final Decision**

**Applicant:** Radiology Associates of Hartford, P.C.

**Docket Number:** 10-31539-WVR

**Project Title:** Request to Waive CON Requirements for the Replacement of an Existing 6-Slice CT Scanner with a 16-Slice CT Scanner in Avon, Connecticut

**Statutory Reference:** Section 19a-639c of the Connecticut General Statutes as amended by P.A. 09-232, Section 96

**Filing Date:** January 28, 2010

**Decision Date:** February 16, 2010

**Staff:** Jack A. Huber

**Project Description:** Radiology Associates of Hartford, P.C. requests a waiver of Certificate of Need requirements for replacement equipment for the purpose of replacing its existing 6-slice CT scanner with a 16-slice CT scanner to be located its 35 Nod Street office in Avon, Connecticut. The total capital cost associated with the replacement equipment project is \$364,202.

**Nature of Proceedings:** On January 27, 2010, the Office of Health Care Access (“OHCA”) received the completed waiver of Certificate of Need (“CON”) request for replacement equipment from Radiology Associates of Hartford, P.C. (“Applicant”). The Applicant proposes to replace its existing 6-slice CT scanner with a 16-slice CT scanner to be located its 35 Nod Street office in Avon, Connecticut. The total capital cost associated with the replacement equipment project is \$364,202.

OHCA’s authority to review and approve, modify or deny the requested waiver of CON requirements for replacement equipment is established by Section 19a-639c of the Connecticut General Statutes (“C.G.S.”), as amended by Public Act: 09-232, Section 96. The provisions of

this section as well as the principles and guidelines set forth in Section 19a-637, C.G.S., were fully considered by OHCA in its review.

## Findings of Fact

1. On September 23, 2009, Radiology Associates of Hartford, P.C. (“Applicant”) received a Certificate of Need (“CON”) determination from the Office of Health Care Access (“OHCA”) under Report Number: 09-31448-DTR. The Applicant was informed that it was not required to obtain CON authorization for the lease and installation of a Siemens 6-slice CT scanner, because certain binding commitments were made prior to the implementation of Public Act: 05-93 and the equipment was in operation prior to July 1, 2006. *(January 28, 2010, Initial Submission of CON Waiver Form 2040, Attachment 1)*
2. Pursuant to Section 19a-639c of the Connecticut General Statutes (“C.G.S”) as amended by Public Act: 09-232, Section 96, a proposal may be eligible for a waiver of replacement equipment from the CON process when a provider has previously obtained a determination that a CON was not required for the original acquisition of the equipment and the expenditure or value of the replacement equipment is less than \$3 million. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*
3. The total capital cost for the replacement equipment proposal is \$364,202, of which \$339,202 is attributable to the cost of the replacement CT scanner. *(January 28, 2010, Initial Submission of CON Waiver Form 2040, page 4 and Attachment 2)*
4. The replacement equipment value is below the \$3 million threshold used to determine whether a request is eligible to receive a waiver of CON requirements for replacement equipment pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96. *(Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96)*

## Rationale

Radiology Associates of Hartford, P.C. (“Applicant”) is requesting a waiver of Certificate of Need (“CON”) requirements for replacement equipment pursuant to Section 19a-639c of the Connecticut General Statutes (“C.G.S.”) as amended by Public Act: 09-232, Section 96. The Applicant is seeking to replace its existing 6-slice CT scanner with a 16-slice CT scanner to be located its 35 Nod Street office in Avon, Connecticut.

On September 23, 2009, the Applicant received a CON determination from the Office of Health Care Access (“OHCA”) under Report Number: 09-31448-DTR. The Applicant was informed that it was not required to obtain CON authorization for the lease and installation of a Siemens 6-slice CT scanner, because certain binding commitments were made prior to the implementation of Public Act: 05-93 and the equipment was in operation prior to July 1, 2006.

The replacement equipment cost for the proposed 16-slice CT scanner is \$339,202, which is below the \$3 million threshold for determining eligibility for a waiver of CON requirements

for replacement equipment pursuant to Section 19a-639c, C.G.S., as amended by Public Act: 09-232, Section 96.

## Order

Based on the foregoing Findings and Rationale, the Office of Health Care Access ("OHCA") has determined that the request of Radiology Associates of Hartford, P.C. ("Applicant") for a waiver of Certificate of Need ("CON") requirements in order to replace its existing 6-slice CT scanner with a 16-slice CT scanner to be located its 35 Nod Street office in Avon, Connecticut, at a replacement equipment cost of \$339,202, meets the requirements for waiver of the CON process pursuant to Section 19a-639c of the Connecticut General Statutes as amended by Public Act: 09-232, Section 96, and is hereby **approved**, subject to the following condition.

1. This authorization requires the removal of the Applicant's existing 6-slice CT scanner for certain disposition, such as sale or salvage, outside of and unrelated to the Applicant's Connecticut service locations by no later than six months after the replacement 16-slice CT scanner has become operational.

Should the Applicant fail to comply with the aforementioned condition, OHCA reserves the right to take additional action as authorized by law. All of the foregoing constitutes the final order of the Office of Health Care Access in this matter.

By Order of the Division of  
Office of Health Care Access  
Department of Public Health

2-16-10  
Date

  
Cristine A. Vogel  
Deputy Commissioner

CAV:jah